

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

NATIONAL UNION FIRE INSURANCE)	
COMPANY OF PITTSBURGH, PA,	)	Civil Action No. 2:18-mc-00048
)	
Plaintiff	)	Hon. Joseph R. Goodwin
	)	Magistrate Judge Dwane L. Tinsley
v.)	
	)	Judgment originally entered in the United
SOUTHERN COAL CORPORATION,	)	States District Court, Southern District of
	)	New York, Case No. 1:17-cv-01329-PAC
Defendant.)	

**PLAINTIFF’S SUPPLEMENT TO JOINT STATUS REPORT
AND REQUEST FOR TELEPHONIC HEARING**

Plaintiff National Union Fire Insurance Company of Pittsburgh, PA (“National Union”), by counsel, respectfully submits this Supplement to the Joint Status Report filed by counsel for Southern Coal Corporation (“Southern Coal”) on November 27, 2019 [ECF No. 50]. National Union also requests a telephonic hearing be set at the Court’s convenience to resolve the objection raised by Southern Coal in Paragraph 3 of the Joint Status Report. In support, National Union states as follows:

1. During the Status Conference of November 13, 2019, Southern Coal’s counsel expressed no objection to National Union’s stated intent to conduct examinations of James C. Justice III and Jilleen L. Justice. Both individuals are current shareholders and members of the Board of Directors for Southern Coal.
2. On Friday, November 15, National Union’s counsel provided twelve (12) available December dates to conduct the examinations of James C. Justice III and Jilleen L. Justice: December 5, 6, 10, 11, 12, 13, 16, 17, 18, 19, 20, and 23. National Union requested that opposing counsel confer with Southern Coal and confirm dates in December in order for the requisite Joint Report to be submitted consistent with this

Court's directive. Notwithstanding multiple prompts, Southern Coal failed to respond until shortly after 12:00 pm on November 27, the due date for the Joint Report.

3. In response, Southern Coal requested dates in January for depositions. Acknowledging the Court's stated intent to have depositions scheduled 30-45 days from the November 13 Status Conference, but in an effort to accommodate opposing counsel and finalize the contents of the Joint Report, National Union agreed to three dates in January 2020.
4. In a subsequent communication, Southern Coal then (for the first time) provided that it would not agree to make Jillean L. Justice available for examination.
5. Consistent with discussions during the November 13 Status Conference, National Union intends to notice the depositions of both individuals.
6. In light of the need to timely resolve the dispute over Southern Coal's willingness to produce Jillean Justice for a deposition, National Union requests a Status Conference be set by the Court.

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: /s/ Richard F. Shearer

Richard F. Shearer (WV Bar #9715)
2555 Grand Boulevard
Kansas City, Missouri 64108-2613
Telephone: (816) 474-6550
Facsimile: (816) 421-5547
Email: rshearer@shb.com

*Counsel for Judgment Creditor
National Union Fire Insurance
Company of Pittsburgh, PA*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

NATIONAL UNION FIRE INSURANCE)	
COMPANY OF PITTSBURGH, PA,	)	Civil Action No. 2:18-mc-00048
)	
Plaintiff	)	Hon. Joseph R. Goodwin
v.	)	Magistrate Judge Dwane L. Tinsley
)	
SOUTHERN COAL CORPORATION,	)	Judgment originally entered in the United
	)	States District Court, Southern District of
Defendant.	)	New York, Case No. 1:17-cv-01329-PAC

CERTIFICATE OF SERVICE

The undersigned certifies that on December 6, 2019, the foregoing *Plaintiff's Supplement to Joint Status Report* was served upon all parties of record using the Court's CM/ECF System.

/s/ Richard F. Shearer
Richard F. Shearer
(WVSB No. 9715)